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UNITED STATES DISTRICT COURT

## NORTHERN DISTRICT OF CALIFORNIA

MOSTAFA TOFIGHBAKHSH,

Plaintiff.

VS.

WELLS FARGO & COMPANY, WELLS  
FARGO BANK, N.A., and DOES 1-25, inclusive.

Defendant.

Case No. C 10-00830 SC

**STIPULATED REQUEST AND  
[PROPOSED] ORDER CONTINUING  
CASE MANAGEMENT CONFERENCE TO  
AUGUST 11, 2010 AND HEARING ON  
DEFENDANTS' MOTION TO DISMISS TO  
JULY 23, 2010**

Compl. Filed: December 23, 2009

Honorable Samuel Conti

Pursuant to N.D. Cal. Civil L.R. 6-2, Defendants Wells Fargo & Company<sup>1</sup> and Wells Fargo

Bank, N.A. and Plaintiff Mostafa Tofighbakhsh (collectively, "Parties") jointly submit this

Stipulated Request and [Proposed] Order Continuing Case Management Conference to August 11, 2010 and Hearing On Defendants' Motion to Dismiss to July 23, 2010.

1 Defendants submit this Stipulation subject to, and reserving all rights regarding, their position that Wells Fargo & Company was fraudulently joined in this action.

1 WHEREAS, Plaintiff has filed a Motion to Remand, which is currently set to be heard on  
2 May 28, 2010;

3 WHEREAS, Defendants have filed a Motion to Dismiss, which is currently set to be heard  
4 on June 25, 2010;

5 WHEREAS, the initial case management conference in this action is currently set for June  
6 16, 2010;

7 WHEREAS, the Parties wish to conserve resources by having the Court determine the  
8 following threshold issues before the first case management conference: (a) whether the Court has  
9 jurisdiction over this dispute and, (b) whether Plaintiff has stated a claim for relief;

10  
11 WHEREAS, there have been no previous modifications of time in this case;

12  
13 WHEREAS, the Parties do not anticipate this modification will have any significant impact  
14 on the case;

15  
16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the  
17 undersigned Parties, through their counsel of record, subject to the approval of the Court, as follows:

18  
19 1. The Case Management Conference currently on calendar for June 16, 2010 shall be  
20 continued to August 11, 2010.

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22 2. Defendants' Motion to Dismiss currently on calendar for June 25, 2010 shall be  
continued to July 23, 2010.

23  
24 DATED: May 25, 2010

25  
26 /s/ Ali Abtahi

27  
28 *Signatory concurs in the filing of this document*  
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8 /s/ Keith Yandell  
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REED SMITH LLP  
A limited liability partnership formed in the State of Delaware

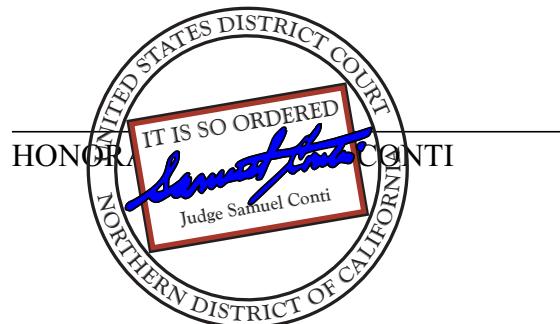
## ORDER

Pursuant to the stipulated request of the parties, this Court hereby orders that:

1. The Case Management Conference currently on calendar for June 16, 2010 shall be continued to ~~August 11, 2010~~. August 13, 2010.

2. Defendants' Motion to Dismiss currently on calendar for June 25, 2010 shall be continued to July 23, 2010.

Date: 6/2/10



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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## MOSTAFA TOFIGHBAKHSH,

Plaintiff,

VS.

WELLS FARGO & COMPANY, WELLS FARGO BANK, N.A., and DOES 1-25, inclusive,

Defendant.

Case No. C 10-00830 SC

## **DECLARATION OF KEITH D. YANDELL**

Compl. Filed: December 23, 2009

Honorable Samuel Conti

I, KEITH D. YANDELL, DECLARE:

1. I am an attorney at law, licensed to practice in the Northern District of California, and an associate at the law firm of Reed Smith LLP, attorneys for Defendants Wells Fargo & Company and Wells Fargo Bank, N.A. I make the following declaration of my own knowledge, and if called as a witness I could and would testify to the same.

1       2. The Parties in this case jointly request that the Court continue the Case Management  
2 Conference currently on calendar for June 16, 2010 to August 11, 2010, and the Motion to Dismiss  
3 currently on calendar for June 25, 2010 to July 23, 2010, because they would like to conserve  
4 resources by first resolving the issues of whether this Court has jurisdiction over this matter and  
5 whether Plaintiff has stated a claim for relief.

6  
7       3. The Parties have not previously modified the court's schedule in this action.

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9       4. The Parties do not anticipate this modification will have any significant impact on the  
10 case.

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12       I declare under the penalty of perjury under the laws of the United States of America that the  
13 foregoing is true and correct.

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15       DATED: May 25, 2010

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18       By /s/ Keith D. Yandell  
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